

Appeal No. VA94/1/043

AN BINSE LUACHÁLA
VALUATION TRIBUNAL
AN tACHT LUACHÁLA, 1988
VALUATION ACT, 1988

John Ball & Son Limited

APPELLANT

and

Commissioner of Valuation

RESPONDENT

RE: Licensed Shop at Map Ref: 110 Main Street, Townland: Rathgoggan, E.D. Rathluirc, R.D. Charleville, Co. Cork
Quantum - Comparisons

B E F O R E

Veronica Gates

Barrister (Acting Chairman)

Patrick Riney

F.R.I.C.S. M.I.A.V.I.

Joe Carey

P.C. M.I.A.V.I.

JUDGMENT OF THE VALUATION TRIBUNAL
ISSUED ON THE 9TH DAY OF NOVEMBER, 1994

By Notice of Appeal dated the 11th day of May, 1994 the appellant appealed against the determination of the Commissioner of Valuation in fixing a rateable valuation of £90.00 on the above described hereditament.

The grounds of appeal as set out in the Notice of Appeal are that "the valuation is excessive and inequitable having regard to the provisions of the Valuation Acts and on other grounds only".

The Property

The property is located at Main Street, Charleville, Co.Cork. It comprises a three storey terraced premises with a supermarket on the ground floor, stores and offices on first and second floors. An archway provides access to the rear stores. The buildings are of stone and slate construction.

Accommodation comprises:

Ground floor Supermarket	1584ft ²
First Floor Store/Office	1330ft ²
Rear Stores	1521ft ²
Lofted Area	360ft ²

Title

The property is held in freehold.

Valuation History

Prior to the 1992 revision of valuation the property was valued as follows:-

Map Ref:	110b	R.V. £22	Date Revised 1914
Map Ref:	Pt 110a	R.V. £1	Date Revised 1947
Map Ref:	Pt 110a	R.V. £6	Date Revised 1941

The property was listed for revision in 1992 by Cork County Council to value complete hereditament in accordance with use and values. Following inspection the R.V. was fixed at £95.00. At First Appeal the R.V. was reduced from £95.00 to £90.00. It is against this R.V. of £90.00 that an appeal lies to the Tribunal.

Written Submissions

A written submission was received on the 7th November, 1994 from Mr. Aidan Boland F.R.I.C.S., F.S.C.S., of Lisney, Cork on behalf of the appellant. In the written submission, Mr. Boland said that the property was centrally situated in Charleville on the western side of the main street. He said that the adjoining premises have retail uses, public houses and restaurants at street level with overhead residential and stock room accommodation.

Mr. Boland set out his calculation of the rateable valuation on the subject premises as follows:-

Sq.Ft.	£	£
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"Supermarket	1,884	6.00	10,104
First Floor	1,330	1.50	1,995
Rear Stockrooms	1,526	1.50	2,281
Lofted Stockrooms	320	Nil	-
			14,380
		Say	14,300"

Mr. Boland offered the following comparative evidence:-

(1) **110, Main Street, Charleville, Co. Cork**

Mr. Boland said that the best comparative evidence was the price paid for the subject premises in 1989. The buildings were bought for £150,000 which reflected an annual rent of £15,000.

(2) **128, Main Street Charleville, Co. Cork**

Short letting to Broadway Videos at £7,800 per annum. Analysis:-

Floor	Use	Sq.Ft.	£p.s.f.
Ground	Retail	1,000	£7.80

(3) **Murray Son Ltd, 113 - 118, Main Street, Charleville, Co. Cork**

Settlement agreed with the Valuation Office at £165.00.

Mr. Boland said that this equated to £6.00 on ground floor retail area and £3.50 for first floor retail area. On the first floor office the rate per square foot was £3.00 and on second floor stockroom and office £1.50 per square foot.

A written submission was received on the 2nd November, 1994 from Mr. Liam Cahill of the Valuation Office on behalf of the respondent. In his written submission, Mr. Cahill described the property and its location. Mr. Cahill set out his calculation of the rateable valuation on the subject premises on the basis of Purchase Price and improvements as follows:-

"Net Annual Value	£18,000
Fraction	1/200
Rateable Value	£90

The Net Annual Value devalues:

	Sq.Ft.	@	£/sq.ft	
Supermarket	1,584	@	£8.00]	
1st Floor Stores/Office	1,330	@	£1.50]	
				£18,000 NAV
Rear Stores	1,521	@	£2.00]	
Lofted Area	360	@	£0.50]	

The net annual value of £18,000 includes for the licence element."

Mr. Cahill gave details of two comparisons in Charleville:-

- (1) Murray & Son Limited,
118 - 122 Main Street, Charleville, Co.Cork

The property comprises an extensive and well located drapery shop. The rateable valuation was £165 agreed with agents Lisney at First Appeal. The devaluation of the Net Annual Value of £33,000 is as follows:-

	sq.ft.		£/sq.ft
Ground Floor:			
Shop	3,466	@	£7.50
Stores/Offices	601	@	£2.00
First Floor:			
Shop	1,421	@	£2.50
Stores/Offices	1,621	@	£1.00
Second Floor:			
Stores	965	@	£0.50

- (2) James Harmon,
113 - 114 Main Street, Charleville, Co. Cork

This is a Super Valu supermarket a few doors from the appellant's property. The rateable valuation of £132 fixed at 1992 revision of valuation. The Net Annual Value of £24,000 on the shop devalues as follows:-

	Sq.ft.		£/sq.ft.
Ground Floor:			
Shop	[1,850	@	£7.50
	[2,624	@	£3.00
Stores	587	@	£1.50
First Floor:			
Stores	1,308	@	£1.00

He said that the property was substantially larger than the subject however, there was little difference in the frontage. Concluding, Mr. Cahill said that the Net Annual Value is fair and reasonable having regard to:-

- (1) The price paid in August, 1989 and improvements carried out since then.
- (2) The level of valuations placed on comparable properties.
- (3) Legal requirements as laid down in the Valuation Acts.

Oral Hearing

An oral hearing took place in the Council Chambers, Cork on the 9th day of November, 1994. At the oral hearing the Appellant was represented by Mr. Aidan Boland of Lisney and the Respondent was represented by Mr. Liam Cahill a Valuer in the Valuation Office.

Mr. Boland said that a rate of £20 to £25 per square foot was applicable in Mallow and Limerick but that an appropriate rate per square foot on premises in Charleville such as the subject was about £6.00 p.s.f. He described Charleville as a rural town with one main trading area only. He said that the Golden Vale Co-op was not a strong financial influence in the town and that parking was a serious problem on the Main Street. He said that the subject premises had a six day trading licence but that this had been taken into account in his valuation of the subject premises.

Mr. Cahill argued that Charleville had a substantial catchment area within a 10 mile radius of the town. He said the Golden Vale Co-op had brought in a lot of commercial activity and that the population in the town was in the region of 2,900 based on the most recent census. He agreed that parking in the Main Street was a problem and that the off-street parking provided by the County Council was not really used. He said that retailing was concentrated in a small segment of the town between the church and Smith's Lane and that the subject premises was located within this concentrated retail area.

The parties then discussed the comparisons offered. Mr. Boland provided a comparison, (his No. 2 comparison), 128 Main Street, Charleville, Co. Cork, which Mr. Cahill argued was outside the main retail area and was therefore not comparable to the subject premises. Mr. Cahill sought to adduce further comparisons outside the main shopping area to support his valuation on the subject premises. The Tribunal accepted Mr. Boland's objection to the introduction of further comparisons on the basis that they had not been made available to Mr. Boland in advance of the hearing. Mr. Cahill also made the comment that his precis had been made available to Mr. Boland in advance of his exchange with the Valuation Office.

Both Mr. Boland and Mr. Cahill cited the comparison of Murray Son Limited, 113 - 118, Main Street, Charleville, Co. Cork. However, they disagreed on the analysis of the rateable valuation on that premises of £165.00. Mr. Cahill said that the appropriate rate on the ground floor retail area was £7.50 per square foot whereas Mr. Boland argued that the rate was £6.00 per square foot with a higher valuation on the first floor space. Mr. Cahill argued that in

country towns such as Charleville there was very little value attributed to first floor space. Mr. Boland said that the layout of the subject was not ideal and that access to the first floor was poor in that it was via a wooden staircase which would not meet the Fire Officers Regulations. Mr. Boland said that the stores at the rear had no access from the shop. He said that there was pedestrian access only down a laneway with no loading facilities. He said that the headroom was domestic type as was the doorway into the stores. He said that the stores were also at three levels. On this basis he felt the valuation attributed to these stores was excessive. Mr. Cahill argued that rear access was not generally available in country towns.

Determination

The Tribunal has had regard to both the written and oral submissions of the parties. The subject premises is situated in the main trading area of Charleville and the best comparisons are to be found in the adjacent premises of Harmons Super Valu Supermarket and Murrays Drapery Store. Taking into consideration rental levels achieved in the less popular retail areas of the town and the rental levels achieved on the Main Street, the Tribunal accepts the evidence of ground floor values put forward by the Respondent. However, the Tribunal finds as a fact that the subject is disadvantaged in some respects by the stores to the rear of the premises in terms of access, split level accommodation and headroom.

Therefore, the Tribunal is of the opinion that the correct Rateable Valuation is £85.00 and so determines.